

are subject to other constitutionally recognized privileges; (6) the assertion is suspect with respect to redacted portions of the Report because the Attorney General himself has indicated a willingness to allow an arbitrarily limited number of Members to view those materials; (7) the Department of Justice has failed to provide any details by which the Committee might evaluate the applicability of the privilege, such as the senders and recipients of the documents, or the privilege log and other information called for by the subpoena; (8) even if the assertion of the privilege were valid as an initial matter, which it is not, the assertion has been overcome here, as: (i) the Committee has demonstrated a sufficient need for the documents as they are likely to contain evidence critical to the Committee's inquiry; (ii) the documents sought cannot expeditiously be obtained any other way; and (iii) any executive privilege that could be asserted to the report has been waived when the President previously made the decision not to assert executive privilege over any portion of the report, as announced by the Attorney General; (9) there is substantial evidence indicating that the President engaged in obstruction of justice and other misconduct, and therefore the public interest in the fair administration of justice outweighs the President's generalized interest in confidentiality; (10) and without these documents, the Committee cannot fully perform its vital legislative, oversight and constitutional duties. Accordingly, the last-minute claims of the "protective" blanket assertion of executive privilege over the entirety of the subpoenaed materials does not change the fact that Attorney General William P. Barr is in contempt of Congress today for failing to turn over lawfully subpoenaed documents.